

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

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In re:

Case No. 20-10322(CLB)

The Roman Catholic Diocese of  
Buffalo, New York  
Debtor.

Chapter 11

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**DECLARATION OF ROBERT E. GALLAGHER, JR. IN SUPPORT OF MOTION FOR  
RELIEF FROM AUTOMATIC STAY**

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Pursuant to 28 U.S.C. § 1746, I, Robert E. Gallagher, Jr., hereby submits this declaration (the **“Declaration”**) under penalty of perjury:

1. I am one of the counsel of record to AB 527 Doe and AB 529 Doe in AB 527 Doe v. City of Buffalo and AB 529 Doe v. City of Buffalo, two matters pending in New York State Supreme Court, in and for the County of Erie (8<sup>th</sup> Judicial District). I submit this Declaration in support of the Motion of AB 527 Doe and AB 529 Doe for Relief from the Automatic Stay (the “Motion”). Capitalized terms used but not defined herein shall have the meanings and definitions ascribed to them in the Motion.
2. In total, Steve Boyd, P.C., the firm for which I work, together with Jeff Anderson & Associates, represents approximately 396 child sexual abuse survivors who filed proofs of claim in the above-captioned chapter 11 case.
3. That aspect of our practice at Steve Boyd, P.C. focuses on representing survivors of childhood sexual abuse.

4. I earned a Bachelor of Arts from State University College at Buffalo in 1988. I earned my Juris Doctor degree from the University of Akron School of Law 1992. I was admitted to the State Bar of New York in 1993. I am also admitted to practice in Maryland. I have been representing survivors of sexual abuse since I began working at Steve Boyd, P.C., and have litigated hundreds of matters in other areas of practice over the course of my 32 years as a lawyer.

5. My colleague, Steve Boyd, together with the lawyers from Jeff Anderson and Associates (Michael Finnegan, Esq. and Stacey Benson, Esq.) have participated in all Court ordered mediation sessions from May 2022 through November 2023 as counsel to two members of the Official Committee of Unsecured Creditors.

6. I have knowledge of the facts set forth herein and can completely testify thereto.

7. The following summarizes the prepetition status of the State Court Action:

On August 11, 2021, AB 527 Doe timely commenced the state court action pursuant to the CVA in Erie County Supreme Court. (Decl. of Robert E. Gallagher, Jr. (“Gallagher Decl.”), Ex. 1, Summons and Complaint (“Complaint”)). On August 11, 2021, AB 529 Doe timely commenced the state court action pursuant to the CVA in Erie County Supreme Court. (Decl. of Robert E. Gallagher, Jr. (“Gallagher Decl.”), Ex. 2, Summons and Complaint (“Complaint”)). The state court actions name the City of Buffalo as defendant.

AB 527 Doe alleges that in approximately 1970-1971, when AB 527 Doe was approximately 9-10 years old, AB 527 Doe was sexually abused by Robert Weber (“Weber”), an employee of the City of Buffalo and assigned to Tosh Collins Community Center. Additionally, AB 529 Doe alleges that in approximately 1972-1973, when AB 529

Doe was approximately 10-11 years old, AB 529 Doe was also sexually abused by Robert Weber (“Weber”), an employee of the City of Buffalo and assigned at Tosh Collins Community Center. Prior to Weber’s employment with the City of Buffalo, Weber was employed as a physical education teacher at St. Ambrose School and St. Thomas Aquinas School, both located in South Buffalo and geographically near to Tosh Collins Community Center. After being fired from both schools as a result of allegations concerning sexual abuse of children in those catholic schools, Weber became employed at Tosh Collins Community Center where he went on to abuse both AB 527 Doe and AB 529 Doe. (See Compl. ¶¶ 9-11). AB 527 Doe and AB 529 Doe have asserted claims for premises liability, negligence, negligent supervision, negligent retention, and negligent infliction of emotional distress against the City of Buffalo. At the crux of those allegations is the notion that the City of Buffalo failed to properly or thoroughly investigate Weber’s prior work history before employing him at Tosh Collins Community Center, including the preceding sexual abuse complaints of minor children at the two catholic schools that he was terminated from. the claims all defendants.

The City of Buffalo provided an Answer to AB 527 Doe’s complaint on September 2, 2021 and provided an Answer to AB 529 Doe’s complaint on September 7, 2021. (Gallagher Decl., Ex. 3 and 4).

Before the Diocese filed its Chapter 11 bankruptcy petition on March 15, 2023, and throughout the proceedings, the parties had exchanged written discovery demands. AB 527 Doe and AB 529 Doe have both been deposed.

8. If AB 527 Doe and AB 529 Doe’s Motion is granted, they will continue to engage in pre-trial litigation, including conducting limited non-party document discovery involving the Diocese

and two related catholic schools (St. Ambrose School and St. Thomas Aquinas School) who received administrative support and assistance from the Diocese during the time within which they operated as such.

9. As the Court is aware, the Diocese, the Committee, and the Diocese's insurers have failed to reach a settlement of this case. I believe that a settlement has not been reached thus far, in large part, because the Debtor and its insurers, on the one hand, and the Committee and counsel to Sexual Abuse Survivors, on the other hand, have a substantial disagreement about the amount of proper compensation for holders of Sexual Abuse Claims. With the exception of those facts, nothing about that recitation has anything to do with the need for AB 527 Doe and AB 529 Doe to obtain the limited discovery it seeks in the State Court actions.

10. The stay relief the Movants seek is limited to the entry of an order permitting such limited non-party document discovery, if any, and does not include collection actions against the Debtor or its insurers, subject to further order of the Court.

11. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

I executed this Declaration on March 17<sup>th</sup>, 2025 at 2969 Main Street, Buffalo, New York 14214.

**By: /s/Robert E. Gallagher, Jr.**